

1 these characteristics.

2 JUDGE SIPPEL: I think it's only
3 fair to point out, too, for the doctor that
4 this document, this is all secondary evidence
5 with respect to what's being reported here.
6 We have o way of testing whether or not each
7 of these statements of fact is accurate. But
8 we really don't have to get to that because
9 you say that you're looking at his conduct
10 today. So I just wanted to point that out for
11 fairness, though, to you in the record. Is
12 there anything else now? None?

13 MR. LYON: Your Honor, I have one
14 follow-up question.

15 JUDGE SIPPEL: You may. Go ahead,
16 sir.

17 MR. LYON: Actually, I can't do it
18 in one, but I'll do it in a couple.

19 RE-RECROSS EXAMINATION

20 BY MR. LYON:

21 Q Dr. Allmon, did you come to a
22 conclusion during the course of your

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1 evaluation of Mr. Titus as to whether or not
2 he suffered from an axis one or an axis two
3 condition? And would you also explain as part
4 of your answer what axis one and what axis two
5 are?

6 A Axis one is one of five parts of a
7 comprehensive diagnosis outlined by the
8 American Psychiatric Association in the
9 manual. Axis one will cover such
10 psychological anomalies as schizophrenia, it
11 could be pedophilia, it could be voyeurism, it
12 could be depression, it could be many things
13 under axis one. Axis two will cover
14 personality disorders or disorders that appear
15 to have been learned through mistreatment and
16 life experience or history, and they tend to
17 cluster around such things as borderline
18 personality disorder or narcissistic
19 personality disorder and so on. I found no
20 evidence that qualifies Mr. Titus for a
21 diagnosis under either axis one or axis two.

22 Q And can you state are there other

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1 axes?

2 A Yes.

3 Q In terms of level of seriousness,
4 can you tell us how serious axis one and axis
5 two disorders are?

6 A Well, they're extremely serious.
7 If you have a family member or I had a family
8 member who is diagnosed as schizophrenic
9 that's extremely serious because of the impact
10 on everybody's life, and that usually implies
11 that the patient is unable to conduct his or
12 her life in a usual, satisfying, even way. It
13 represents a very severe disorder which can be
14 controlled to some extent with medications.
15 The same is true of major affective disorder,
16 a term used to describe various degrees of, at
17 times, depression. Somebody is so depressed
18 that he sits in the basement with the lights
19 off and rocks for three full days, that's
20 certainly evidence of gross dysfunction. And
21 if it is typical, then it's a very serious
22 matter. In the extreme, the patient is unable

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1 to work, frequently lives in squalor. So
2 there are a couple of examples of axis one.

3 I worked exclusively for a four
4 and a half period in the early to mid 80s at
5 the University of Washington where I ran a
6 clinic for treating women who had been
7 diagnosed as having borderline personality
8 disorder. Borderline is a word maybe not very
9 aptly put together, but it implies some
10 characteristics of a range of things:
11 sociopathic, depression, antisocial
12 personality disorder. So they have sort of a
13 hodgepodge of characteristics that appear in
14 other personality disorders. And this is the
15 most severe of the personality disorders. At
16 the extreme, I believe it's true that by 37 50
17 percent of people, mostly women, have killed
18 themselves, and almost 100 percent are
19 substance abusers. So that particular
20 personality disorder is extremely serious and
21 devastating. I believe they can't maintain a
22 romantic or marital relationship.

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1 There's also narcissistic
2 personality disorder, antisocial personality
3 disorder, and they're very serious diagnostic
4 categories, none of which apply at all, even
5 coming faintly close, to Mr. Titus' case. And
6 as I mentioned, the findings from testing,
7 comprehensive testing, were quite remarkable
8 for their normalcy.

9 MR. LYON: I have nothing further.

10 JUDGE SIPPEL: If we wanted a
11 definition of these terms, like pedophile,
12 what would be the source? There's a manual
13 that would have an accepted definition?

14 THE WITNESS: Yes, your Honor.
15 The manual is called the Diagnostic and
16 Statistical Manual --

17 JUDGE SIPPEL: Diagnostic -- I'm
18 sorry.

19 THE WITNESS: Diagnostic and
20 Statistical Manual, American Psychiatric
21 Association.

22 MR. LYON: It's also available at

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1 Borders, your Honor. The library may have it.

2 JUDGE SIPPEL: They may have it,
3 but I want to ask for the right book. They
4 may have one for dummies; I don't know.

5 MR. LYON: There probably is one,
6 your Honor.

7 THE WITNESS: Your Honor, it's the
8 DSM-IV.

9 JUDGE SIPPEL: DSM-IV?

10 THE WITNESS: Yes.

11 JUDGE SIPPEL: Did I hear it that
12 way? DSM-IV. Thank you. Now, one other
13 question on this. You referred to axis one
14 and axis two. Would you spell what axis are
15 we referring to? Maybe counsel can do this.
16 How do you spell that?

17 MR. LYON: A-X-I-S.

18 JUDGE SIPPEL: A-X-I-S, like the
19 axis of evil?

20 MR. KNOWLES-KELLETT: It's a
21 reference of Exhibit 2, page 11.

22 JUDGE SIPPEL: That's okay. I

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1 don't need to go there. This is fine. That's
2 all I have, Doctor. Thank you very much, sir.

3 MR. LYON: Thank you, Dr. Allmon.

4 JUDGE SIPPEL: You're excused as a
5 witness.

6 THE WITNESS: Thank you.

7 MR. LYON: And no roller blading.

8 THE WITNESS: Aye-aye.

9 (Witness excused.)

10 JUDGE SIPPEL: Now, you want --

11 MR. LYON: Mr. Titus.

12 JUDGE SIPPEL: For a minute or
13 two.

14 MR. LYON: That would be up to --

15 JUDGE SIPPEL: Let's go off the
16 record for a second.

17 (Whereupon, the foregoing matter
18 went off the record at 4:46 p.m. and went back
19 on the record at 4:47 p.m.)

20 JUDGE SIPPEL: Okay. We have
21 Titus Exhibit Number 18. Let's identify it
22 again on the record. We were doing that off

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1 the record.

2 MR. LYON: Your Honor, I request
3 that this document be marked as Titus Exhibit
4 Number 18. For the record, it is a one-page
5 document. It is an e-mail from Detective
6 Shilling to Tina Keller, K-E-L-L-E-R, dated on
7 or about 7/7/08.

8 (Whereupon, the above-referred to
9 document was marked as Titus Exhibit No. 18
10 for identification.)

11 JUDGE SIPPEL: I got 7/8/2004.

12 MR. LYON: I'm sorry. 7/7/04.

13 I'm sorry.

14 JUDGE SIPPEL: So identified. You
15 want to move it now?

16 MR. LYON: I so move.

17 JUDGE SIPPEL: Any objection to
18 this?

19 MR. KNOWLES-KELLETT: No
20 objection, your Honor.

21 JUDGE SIPPEL: It's in. Titus
22 Exhibit 18 is in the record as Titus Exhibit

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1 18.

2 (Whereupon, Titus Exhibit No. 18
3 was received into evidence.)

4 JUDGE SIPPEL: Okay. And now we
5 want to go off the record until Mr. Titus
6 returns.

7 (Whereupon, the foregoing matter
8 went off the record at 4:48 p.m. and went back
9 on the record at 4:57 p.m.)

10 JUDGE SIPPEL: Excuse me. You're
11 still under oath, you understand that? You
12 are still under oath.

13 MR. TITUS: Yes.

14 WHEREUPON,

15 DAVID LEE TITUS
16 was recalled as a witness by Counsel for David
17 Lee Titus and, having been first duly sworn,
18 assumed the witness stand, was examined and
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LYON:

22 Q Mr. Titus, is there a way to tell

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1 the age of a ham operator based on the ham's
2 call sign?

3 A Possibly.

4 Q Okay. Would you explain?

5 A Some of the online databases that
6 list all ham radio operators' call signs,
7 there could potentially be birth year
8 information in those records. There's two
9 caveats to that. One of the caveats is that
10 the owner of that call sign can contact the
11 recordholder of that and have that birth year
12 purged. Also, after a certain year, and I
13 don't know which year, the FCC itself would
14 have this information, the FCC stopped
15 providing the birth year information.
16 Therefore, after a certain year, whether it's
17 two years ago or five years ago, birth year
18 information is no longer published, from what
19 I understand.

20 Q Okay. Mr. Titus, you've had sex
21 therapy at various times?

22 A Yes.

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1 Q Okay. Tell us what you've learned
2 in sex offender therapy.

3 A We're going to be here a while.

4 Q Well, try to give us a pertinent
5 summary.

6 A Yes, I'll give you a synopsis. I
7 think one of the most important things that
8 I've learned is victim empathy. I think for
9 me realizing how my actions that I have chosen
10 to take have affected the victim and having a
11 victim empathy towards that. That's a huge
12 one for me. I think also during treatment, at
13 least for me, sex offender therapy, I've
14 learned how to handle negative emotional
15 states. I've learned about interventions for
16 negative emotional states or, you know, how to
17 intervene on certain behaviors that could be
18 harmful or illegal to myself. I've learned
19 about appropriate relationships and
20 boundaries, say, with friends and sexual
21 partners. I've learned about, you know, it
22 expands on the interventions but basically

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1 just about saying no and all of this
2 encompassing, you know, not wanting to spend
3 the rest of my life in prison, not wanting to
4 create any victims, not wanting to hurt
5 people, choosing to not do certain behaviors
6 that are illegal.

7 On top of that, for me, with age,
8 I believe, I have grown out of what my sexual
9 attraction was when I was a younger person.
10 I no longer have that sexual attraction
11 whatsoever, so that's not an issue for me.

12 Q Can you state whether or not you
13 have strategies that you use to avoid re-
14 offending?

15 A Yes. Would you like me to tell
16 you?

17 Q Yes.

18 A A big part of it for me is actual
19 self talk. I don't need to use self talk very
20 often because, like I say, I'm not attracted
21 to children. If there's an exception that
22 comes up where I see somebody that's younger

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1 that could be in a questionable gray area
2 legally, I have to learn how to say no or
3 learn how to wait a few years. That's what
4 I've done, and that's part of my strategy is
5 not, learning to not act upon impulse,
6 thinking before I act. Those are a few
7 strategies. Self talk and the victim empathy,
8 not wanting to hurt people, those are all part
9 of the process. Like I said, I don't even
10 feel it's much of an issue for me these days
11 because I've grown out of that attraction that
12 I had when I was a kid. That's been a long
13 time ago, and I'm not the same person anymore
14 that I was, you know, 15, 18, 19 years ago.
15 I'm not even the same person I was ten years
16 ago, you know. I've changed quite a bit.

17 Q Do you realize that some of your
18 actions in the past have hurt people?

19 A Yes, I do.

20 Q How do you feel about that?

21 A Well, I try not to dwell on it too
22 much because I can't change things that I've

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1 already done. But it saddens me if I was to
2 really think about it, you know, that I've
3 hurt potentially a lot of people. I'm
4 remorseful for that. I regret that I've done
5 that. There's a lot of things in my life I
6 regret I've done. I'm glad that I'm a changed
7 person now and I'm not still doing those
8 hurtful things to people that got me in legal
9 trouble.

10 Q We've heard discussion that your
11 treatment monitors criticize you for not being
12 forthcoming about your sexual relationships.
13 Can you tell us about that and your feelings
14 about that?

15 A Well, we're going back to a long
16 time ago because the last time I was in
17 treatment was more than 13 years ago. My
18 viewpoint always was when I was in treatment,
19 say, you know, 13 years ago, 12 or 13 years
20 ago, my idea was, my self talk at that time
21 was that as long as it's legal it's nobody
22 else's business, except me and the other

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1 person that are involved, and I still stand by
2 that today.

3 Q Can you state whether or not you
4 have an age cutoff as to individuals with whom
5 you have a sexual relationship?

6 A Up or down?

7 Q I want down.

8 A Well, down I keep it legal. Legal
9 here in Washington I believe is 16. As far
10 as I'm aware, I haven't been with anybody
11 that's under 18. I play it safe. More
12 predominantly these days, 19 is the youngest
13 I've been in probably ten years. Most of my
14 sexual partners these days are in their mid
15 20s. So my lower cutoff age would be whatever
16 is legal.

17 Q Mr. Titus, what does amateur radio
18 mean to you?

19 A Like what it personally means to
20 me?

21 Q Yes.

22 A Well, I don't know if that's a

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1 really simple, I haven't really said my answer
2 to that. As far as I can remember, being a
3 kid, I remember being around radios, whether
4 that was my natural father, he had CBs, big
5 antennas on the house, and we went to CB
6 breaks. And when at my grandmother's house,
7 we would always have a police scanner. I was
8 very fascinated by radio, and I always just
9 found it very interesting. And when I was a
10 young child, I had this table top type
11 portable short-wave radio that had other bands
12 in it. One of those bands was a ham band. At
13 that time, I did not know what that meant.
14 When I got into my teen years, I still had
15 this curiosity about this radio stuff and CBs,
16 so I got a CB radio. And through the CB, I
17 started meeting other people that were in lots
18 more radio stuff than I was that also were
19 these ham people that I correlated with this
20 ham band I had on this radio.

21 And so from those young years, I
22 was just always mystified, and I still am to

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1 a degree, about how two-way radio works. And
2 it's always, it's something that still, the
3 two-way communications, the radios, it's still
4 something that sparks my interest today and
5 I'm still heavily involved with it, and it's
6 my main hobby in life. It's one of the only
7 things that I can do left in life that is a
8 true love from my childhood. My true loves
9 from my childhood, other than being involved
10 in, you know, radio, because I like the radio
11 stuff, that the other things I can't do
12 because of my past criminal history. So it's
13 kind of one of the only things I have left
14 that I really truly enjoy, and I've made a lot
15 of good friends through ham radio, a lot of
16 very good friends. And I think it's a great,
17 can be a great network of people to associate
18 with. And I think I've benefitted from that
19 greatly.

20 Q Tell us how you've benefitted from
21 it.

22 A Well, one of the things I just

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1 mentioned was that it created a lot of
2 relationships with people, friendships. I
3 think that's a good way, partially a good way
4 to create friendships. I mean, there's other
5 ways to create friendships: the internet and
6 ads and go to bars, run into people on the
7 street, clubs, organizations.

8 I think meeting people through ham
9 radio is a very mutual avenue to meet people
10 People that hang out in bars, they might not
11 be the best people to meet for me. You know,
12 I don't drink very much. I'll drink a little
13 bit, but I don't really have much in common
14 with someone who is sitting down in a bar, you
15 know, drinking all night.

16 So it's been a good avenue for me
17 to have friends that even stick by me today
18 through this stuff. Most of the friends that
19 I have had already knew about my being a sex
20 offender before these FCC pursuing this claim.
21 But, obviously, not everybody did, and some
22 people were more casual acquaintances than

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1 friends. And when these proceedings were
2 brought against me, I had a lot of phone calls
3 to make to talk to people, and I kind of
4 wanted to see where people stood. Were people
5 standing by me? Do people want to hear what
6 I have to say? And I was amazed how much
7 support I actually had, even though this is a
8 horrible topic being a sex offender,
9 especially a level-three sex offender. It was
10 a horrible topic, and I think a lot of people
11 are surprised that me, the person they knew,
12 was this level-three sex offender. And I
13 realized that I have some really good friends
14 out there and I had a lot of support.

15 I think it's imperial in life to
16 have true friends. For me, the people that
17 aren't there when you're in the worse
18 situation, those aren't your friends. I mean,
19 good friends stick by me no matter what.

20 MR. LYON: Your witness.

21 THE WITNESS: As long as I remain
22 legal. I think that would be the caveat of

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1 anybody that I know.

2 MR. LYON: Thank you. Your
3 witness.

4 CROSS EXAMINATION

5 BY MS. LANCASTER:

6 Q Mr. Titus, in looking over your
7 written testimony, I have a few questions I
8 would like to ask you. As I recall, you were
9 the person who organized field day activities.
10 It was an AARL field activity. Did you do
11 that?

12 A Well, I testified as to that
13 yesterday, and what my testimony was that I
14 was one of the people that was partially
15 responsible for putting on the field days, the
16 AARL-sponsored field days, through the
17 MicroHAMS Club, which I was an original
18 founder of, yes.

19 Q Okay. It caught my attention
20 because you said, I believe, in your testimony
21 that you had brought a local ham radio
22 attorney in to speak to try to get your group

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1 to agree to the field day, and who was the
2 local ham radio attorney you're referring to?

3 A His name is Mike Hanson, and he's
4 retired now. He's retired from the Securities
5 and Exchange Commission, I believe, and now he
6 does pro bono type work for non-profits on a
7 consulting type basis. And I had an
8 acquaintance with this ham attorney through my
9 association with ARES, A-R-E-S. And when we
10 had a dispute in the club, it was over a legal
11 issue and I had bought this issue for review
12 personally myself from Mr. Hansen, and Mr.
13 Hansen agreed to come to the board and consult
14 with us about the concern.

15 Q Okay. What's a QSO?

16 A A QSO is a --

17 Q Is what?

18 MS. LANCASTER: QSO, your Honor.

19 JUDGE SIPPEL: Thank you.

20 BY MS. LANCASTER:

21 Q What is it?

22 A It stands for QSO, and it just

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1 simply means a conversation. It's over radio.
2 It's jargon. It's ham radio jargon for a
3 conversation.

4 Q Don't QSOs frequently, when you
5 have a QSO is it not true that you frequently
6 would go on to one of the major frequencies,
7 such as a repeater frequency, to chat with
8 your friends or to hook up with your friends?
9 Is that true?

10 A Well, yes, that's true.

11 Q Okay. And once you have a group -
12 -

13 A Ma'am, could I clarify? What do
14 you mean by hooked up before I --

15 Q I mean to talk. I don't mean in a
16 sexual manner. I'm using the term to hook up
17 --

18 A A gay-like hook-up means, you
19 know, wham-bam-thank you, ma'am.

20 Q No, I did not mean it in that way.
21 I'm sorry.

22 JUDGE SIPPEL: I'm striking that.

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1 You were not asked that question, Mr. Titus.

2 Listen very carefully to the questions.

3 BY MS. LANCASTER:

4 Q I meant when you have a QSO on ham
5 radio, isn't it true that several radio
6 operators will meet on a frequency, often a
7 repeater, one of the major frequencies. And
8 then to have a more private conversation,
9 those particular members of that QSO then will
10 move to another frequency to continue the
11 conversation?

12 A You're asking if that's a
13 possibility?

14 Q Doesn't that happen?

15 A That does happen, yes.

16 Q Yes, okay. It's common practice,
17 isn't it?

18 A I would not say it's common
19 practice. I think that depends on the
20 repeater, the group of people. There's a lot
21 of factors involved. I generally don't do
22 that. Some people do do that.

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1 Q Okay. Did you receive a copy of
2 Dr. Allmon's deposition testimony from Mr.
3 Lyon?

4 A Yes, I did.

5 Q Did Mr. Lyon ask you to give that
6 deposition testimony to Dr. Allmon for his
7 review?

8 A Yes, he did.

9 Q Did you do it?

10 A Yes, I did.

11 Q Oh, so Dr. Allmon did have a copy
12 of his deposition testimony?

13 A Dr. Allmon did not say he didn't
14 have a copy. Dr. Allmon have a copy --

15 Q I'm asking you, I'm not asking you
16 to tell me what Dr. Allmon said. I'm asking
17 you whether or not you delivered a copy of Dr.
18 Allmon's deposition testimony to Dr. Allmon.

19 MR. LYON: Objection, irrelevant.

20 JUDGE SIPPEL: Wait just a second.

21 He's already testified that he did. You
22 already testified that you gave him a copy of

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1 the transcript; is that right?

2 THE WITNESS: In electronic
3 format.

4 JUDGE SIPPEL: Asked and answered.

5 MS. LANCASTER: Well, no, it's
6 not, your Honor. If he gave it to him in
7 electronic format, was he able to read it
8 electronically?

9 MR. LYON: Objection, irrelevant
10 and --

11 JUDGE SIPPEL: I'm going to
12 sustain the objection.

13 BY MS. LANCASTER:

14 Q What's your relationship at this
15 point with your stepfather?

16 A What do you mean? I answered this
17 yesterday, so I'm not sure what else you're
18 asking.

19 Q Do you get along with him?

20 A Yes, I do.

21 Q Does he approve of your lifestyle?

22 MR. LYON: Objection, irrelevant.

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